

### **REMARKS**

Applicants submit this paper in response to the non-final Office Action dated March 3, 2009.

By way of this paper, claims 1-23 are cancelled, and claims 24-32 are presently submitted. Support for the new claims 24-32 are as follows: New claim 24 is a combination of prior (preliminarily amended) claims 1, 6, 7 and 8. New claims 25, 26, and 27 respectfully correspond to prior claims 2, 3, and 4, with small amendments to claims 26 and 27. Prior claim 5 has been cancelled. New claim 28 corresponds to prior claim 9. Prior claim 10 has been cancelled. New claim 29 corresponds to prior claim 11. New claims 30, 31 and 32 respectfully correspond to prior claims 12 and 13, with new claim 32 having additional clarifications. Remaining prior claims 15-23 have been cancelled. The various remaining amendments to the presently submitted claims are merely formal in nature. Therefore, no new matter has been added.

In light of the foregoing amendments to the claims (in the form of newly submitted claims, for ease of reference) and the following remarks, Applicant believes that the present application is in condition for allowance and respectfully requests the Office to acknowledge the same.

### **OBJECTIONS TO THE CLAIMS**

Claim 1 has been objected to because of informalities. Such informalities have now been addressed in presently submitted new claim 24.

Reconsideration and withdrawal of this objection is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §112**

Claims 1-23 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As noted, the claims have been rewritten, and presented as new claims 24-32. The subject of claim 16 has been cancelled. The various new claims which contain a string of components have been written in proper form.

Hence, reconsideration and withdrawal of these indefiniteness rejections is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §102 & 103**

Claims 1, 5-10, 15, 18, and 22 stand rejected under 35 U.S.C. §102 as assertedly anticipated by, or in the alternative, 35 U.S.C. §103 as assertedly obvious over Stocchi (US 2003/0075547). Claims 2-4, 11-14, 16-17, 19-21 and 23 stand rejected under 35 U.S.C. §103 being assertedly obvious over Stocchi ('547) in view of Petri et al. (US 6,058,985).

Newly presented claim 24 defines an apparatus support structure for container handling machines that includes entry and exit stars, with each entry and exit star being arranged on support house, a star configuration defined by relative positioning of the entry and exit stars, the support housings being within the star configuration and fixed above a floor plane and beneath a transport plane, the apparatus support structure being one of the pipe or profile frame with sections and substantially horizontal and defining a fixation plane, the sections of the pipe frame being one of stainless steel pipes around solid profiled parts, the sections of the profile frame being profiled parts whose bottoms are open, each section presenting at least one joining in which fits with the connection face of one of the support housing or a floor foot, the sections being connected to each other at nodes by one of directly or via a support housing or a floor foot, the support housing stand freely with the sections arranged in such a manner that open areas are formed between sections around the support housings, and at least some sections can be combined with each other and with support housings or by the star configuration is changeable as needed. Thus, as now claimed via new claim 24, the present invention provides a flexible support frame, the star configuration which is changeable as needed.

It is respectfully submitted that the Examiner has misinterpreted the teachings of the cited references and has not recognized the fixed sized, contour and unchangeable

structures of the Stocchi, Petri references the devices of which references are designed without any backbone structure that is similar to any profile or a pipe frame with support housing and nodes and free spaces around support housings at the nodes, namely free spaces in between sections of the frame structure. Again, with the present invention, it provides a flexible support structure with the star configuration being changeable as desired. As per claim 24, this goal is achieved with the present invention by using sections of pipes or profiles and predominantly interconnecting such sections either via a floor foot or a support housing in a detachable fashion, such that the star configuration can be changed if a transfer star or bottle manipulating unit has to be added or removed, respectively.

Turning to Stocchi '547, it discloses a unitary table structure having a casing the size and contour of which depends on the size and contour of the continuous lower plate 18, see paragraphs [0038], [0040] of Stocchi, with reinforcing braces 6 in between the lower plate 18 and the top plate 20 or the multiple top plates 20. The arrangement of the functional components 14, 28 integrated into the table casing is fixed as soon as the core material 18 has solidified, see Stocchi paragraph [0010]. The legs 12 are part of the table casing. No sections exist, nor do any free spaces about the support housing, in Stocchi. The Stocchi star configuration cannot be changed once the core material 18 has had time to solidify. The entire table casing in Stocchi is closed on the top side and at the lower side and along the edges. The braces are I-profiles having holds in the vertical webs.

Then, as to Petri '985, it relates to a set-up table system, the set-up table and fixation plane of which is constituted by the rigid hood shaped carrier plate 6 consisting of interconnected or unified mushroom-head like steel sheet parts. The drives of the functional component are contained in the hood shaped carrier plate. The carrier plate supports the conical columns 8 having arms 10 supporting tracks 4 of the entry and exit stars in the transportation plane of the table. Floor feet are mounted into the lower sides of the hood shaped carrier plate. The Petri carrier plate has a fixed shape and contour, and determines the locations of the functional components 2, 3, for example. No open spaces exist nor is anything like the present invention's pipe frame or profile frame present. The Petri transfer star arrangement cannot be changed. No connecting profile or pipe sections exist in Petri.

Now, the Examiner states on page 3 of the Office Action that Stocchi discloses a support structure formed of sections, and that floor feet and the sections are connected to each other at nodes either directly or via a support housing, and that open areas are formed around the support housing. However, it is readily seen that the Stocchi support structure is a solid concrete plate inside of a sheet steel box without sections and nodes and without any free spaces around support housings. The braces 6 are reinforcing profile beams embedded into the concrete core.

The Examiner mentions on page 5 that Stocchi teaches the use of pipes in a container handling apparatus support structure. However, this is only partly true as Stocchi explains in paragraph [0007] that the tables of such machines are in the form of a lattice structure generally made of pipes or ordinary steel beams and covered with a stainless steel sheet. This means that the steel sheet cover defines the surface of the table and determines the star configuration. At the lower side of the steel sheet cover, the pipes or steel beams are arranged in order to stiffen the entire structure. This is a similar concept as in Stocchi (without the lower plate and without the concrete core).

Next, on page 7 of the Office Action, the Examiner states that in Petri, an additional container handling component is fixed at a node of one of a pipe or profile frame on one of sections of the pipe or profile frame. However, Petri teaches to support a guide track of the stars on horizontal arms 10 of columns 8. The arms 10 do not define sections of a pipe or profile frame but can deliver freely from the columns 8.

Then, on page 8, of the Office Action, the examiner states that Petri teaches individual drives in the support housings. However, column 3, line 54, of Petri clearly indicates that the drives are meshing with each other and are linked together (see Petri, column 2, line 60, column 3, line 54). Thus, such drives cannot be considered as being individual drives.

It is respectfully submitted that the above statements illustrate that the Examiner apparently has improperly interpreted the disclosure of the references merely in improper hindsight of the teaching of our application.

It will also be noted relative to the newly-presented claims that at paragraph [0031] of the present substitute specification, that the sections in the pipe or profile frame, at least at the node-positions of the support housings, are fixed in a detachable manner with joining ends to connection interfaces of the support housings.

Accordingly, neither the Stocchi, nor the Petri references, nor any other reference of record, disclose or suggest each and every limitation recited in newly presented claim 24. For example, neither Stocchi nor Petri disclose an apparatus support structure being one of a pipe or profile frame as particularly defined in new claim 24 of the present application.

In light of the foregoing, Applicant kindly requests the Examiner to reconsider and withdraw the outstanding anticipation and obviousness rejections.

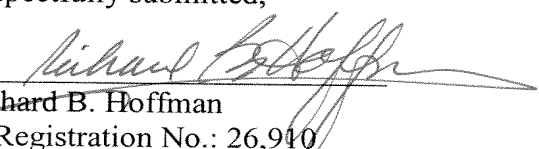
### **CONCLUSION**

Applicant believes that each of the outstanding rejections, objections, and/or other concerns have either been accommodated, traversed or rendered moot. Therefore, the application is considered to be in condition for allowance. Should there remain any outstanding issue that the Office may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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